

CUSTOMS DIRECTIVE

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CUSTOMS DIRECTIVE NO. 3550-064A

DATE: MAY 23, 2000

SUPERSEDES: 3550-064, 6/30/93

REVIEW DATE: MAY 2002

SUBJECT: INTERNATIONAL TRAFFIC; FOREIGN TRUCK-TRACTORS ARRIVING TO REPLACE AND CONTINUE TRIPS OF SIMILAR DISABLED UNITS.

1 PURPOSE. This directive establishes the treatment to be accorded foreign-owned truck-tractors arriving to replace and continue the trips of similar, foreign-owned units which have become disabled while properly engaged in international traffic within the United States.

2 POLICY. The references and procedures outlined in this directive will be followed to ensure consistency and uniformity in the control of foreign-owned truck-tractors.

3 AUTHORITIES/REFERENCES. 19 CFR 123.14(a)(c).

4 RESPONSIBILITIES. CMC Directors and Port Directors assigned to the processing of the entries of foreign-owned truck-tractors must ensure compliance with this directive.

5 PROCEDURES. The following procedures will be followed to ensure service-wide uniformity.

5.1 Title 19, Code of Federal Regulations, section 123.14(a) provides, in part, that foreign-owned trucks arriving with cargo destined to points in the United States, or arriving empty or loaded for the purpose of taking out cargo, but not to engage in any local traffic (except in certain circumstances specifically set forth in 123.14(c)), may be admitted without written entry or payment of duty.

5.1.1 The Customs Service has previously addressed a situation where a Canadian tractor-trailer unit, previously admitted under section 10.41(b) to deliver a cargo of frozen food, became disabled after proceeding approximately fifty miles into the United States. The tractor had to be towed back to Canada due to the breakdown (engine failure). The question presented was whether a substitute Canadian tractor could be brought in to replace the disabled tractor and proceed to the destination in the United States with the loaded trailer or whether the use of the substitute tractor would constitute a violation of the "local traffic" prohibition of section 10.41(b) (current version at 19 CFR 123.14(c)).

5.2 The use of a replacement tractor in the above situation, or in any similar case involving a bona fide breakdown, to continue the trip for which the disabled tractor was admitted, would not constitute use in local traffic within the meaning of section 123.14(c) nor would it be in violation of that provision. Accordingly, replacement tractor units may be admitted in such cases under section 123.14(a) without written entry or payment of duty.

6. MEASUREMENT. The Director, Field Operations, Customs Management Center, will ensure that ports under their jurisdiction are in compliance with this directive via management controls.

Acting Assistant Commissioner
Office of Field Operations